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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Summary record of the 1st meeting
Held at Headquarters, New York, on Thursday, 19 May 2005, at 10 a.m.

President: Mr. Duarte ..... (Brazil)
later: Mr. Molnar ..... (Hungary)

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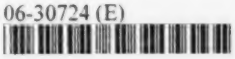

The meeting was called to order at 10.05 a.m.

Organization of work

1. **The President** welcomed members to the initial meeting of Main Committee II. He noted that the Chairmen of the Main Committees and their subsidiary bodies were selected to serve in their personal capacity. The Chairmen of the Main Committees and their subsidiary bodies met with him daily for coordination and served as the Bureau of the Conference.

2. **The Chairman** said that Main Committee II had the task of dealing with articles 16 (c), paragraphs 1 to 3, and article 17 of the Convention. In addition, the plenary Conference had established a subsidiary body to examine regional issues and the Middle East, including the resolution on the Middle East adopted at the 1995 Review and Extension Conference. He drew attention to the proposed timetable for the Committee's work contained in document NPT/CONF.2005/INF/5. The Committee had been allotted six meetings and time would be reserved for the subsidiary body on a basis of strict proportionality.

3. *The programme of work was adopted.*

General debate

4. **Mr. Semmel** (United States of America) said that the controls placed on nuclear materials, equipment and technology, whether in domestic use or international commerce, were critical to providing a framework for ensuring that international cooperation in peaceful nuclear activities would not contribute to proliferation, although some complained that those measures had the effect of impeding the development of peaceful nuclear programmes.

5. The International Atomic Energy Agency (IAEA) safeguards system was essential to providing the international community with confidence that nuclear material was not diverted from peaceful uses to nuclear weapons or related activities. Yet there had been three grave cases of safeguards non-compliance since the previous Review Conference. In December 2002, the Democratic People's Republic of Korea had expelled IAEA inspectors and disabled their equipment. In November 2003, after investigations conducted in Iran, the Director of IAEA had cited multiple failures by Iran to meet its safeguards obligations and a policy of concealment that had led it to breach those obligations. Despite Iran's commitment to cooperate fully with IAEA, additional deceptions had come to light during investigations conducted in 2004. The Iranian Government still had not provided a complete account of key aspects of its nuclear programme and continued to restrict access by IAEA inspectors. Unfortunately, the Board of Governors had yet to report Iran's serious and longstanding non-compliance with safeguards requirements to the Security Council, a step which was long overdue.

6. By contrast, in December 2003, Libya had decided to acknowledge and, with international assistance, to eliminate its nuclear weapons programme. It had opted to cooperate fully with IAEA efforts to verify the full scope of its programme and to ensure that any remaining nuclear activities were fully safeguarded. Libya was a success story of a country's return to full compliance with the NPT, which had helped it to end its international isolation and to make it more secure and prosperous.

7. The international community must be united and determined in responding to non-compliance, and must demonstrate that nothing would be gained by pursuing nuclear weapons aspirations. Most parties to the NPT had fulfilled their safeguards obligations by concluding comprehensive safeguards agreements with IAEA. However, 39 parties had not yet done so. That still represented progress, although the pace was disappointing. For its part, the United States of America would accept the same safeguards on all civil nuclear facilities and activities as non-nuclear-weapon States under the Treaty and the Additional Protocol, excluding only those activities, locations and information of direct national security significance. The common goal must be to return to the next Review Conference with all States parties in full compliance with the NPT and a stronger, more resilient and universal safeguards system. In order for IAEA to carry out its safeguards responsibilities, however, it needed the political, financial and technical support of its member States.

8. The safeguards system worked hand in hand with the nuclear export control system. Just as the Additional Protocol had established a new standard for effective safeguards, it should also become the standard for nuclear supply arrangements. The spread of enrichment technology through secret procurement networks to support clandestine enrichment programmes in Iran, Libya and the Democratic

People's Republic of Korea clearly demonstrated the need for stronger controls on such technologies. There was no sound economic reason to pursue enrichment and reprocessing capabilities, since nuclear fuel services were readily available on the international market. Halting the spread of such capabilities would not harm the legitimate peaceful nuclear activities of any country.

9. Recognizing that the threat of nuclear proliferation was a threat to international peace and security, the Security Council had adopted resolution 1540 (2004) to address gaps in the non-proliferation regime. Under the resolution, States were required to enact and enforce legal and regulatory measures to prevent proliferation, with a particular focus on the activities of non-State actors. To enable all States to respond effectively, the resolution invited States to request assistance in implementing their obligations and to report on measures taken towards implementation. Unfortunately, however, many States had not yet provided the requested reports and few had made requests for assistance.

10. The measures adopted by responsible States to control nuclear technology did not impede its peaceful use. On the contrary, they provided a measure of confidence that those technologies would not be misused, which was essential if the benefits of peaceful nuclear cooperation were to be fully enjoyed. Without such confidence, the security of all would be greatly diminished.

11. **Ms. Rajmah Hussein** (Malaysia), speaking on behalf of the Group of Non-Aligned States Parties to the Treaty, said that the Group continued to consider the establishment of nuclear-weapon-free zones as a positive step towards attaining the objective of global nuclear disarmament and welcomed efforts aimed at establishing such zones in all regions of the world. It was essential that nuclear-weapon States should provide unconditional assurances against the use or threat of use of nuclear weapons to all States in such zones and the Group urged those States to become parties to the protocols to the treaties establishing nuclear-weapon-free zones. It welcomed the decision by all five Central Asian States to sign the Central Asian Nuclear-Weapon-Free Zone Treaty as soon as possible and supported the initiative to convene an international conference of States parties and signatories to the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba in support of the common objectives established in those treaties and to promote closer cooperation among them.

12. The Group also expressed its concern at the growing resort to unilateralism and strongly affirmed that multilateralism provided the only sustainable means of addressing disarmament and international security issues. In that regard, it stressed the importance of the IAEA safeguards system. However, it did not desire to see international efforts towards achieving universality of comprehensive safeguards wither away in favour of pursuing additional measures and restrictions on non-nuclear-weapon States. It strongly rejected attempts by any Member State to use the technical cooperation programme of IAEA as a tool for political purposes. Its work with regard to safeguards and verification must be conducted in accordance with the provisions of its Statute and relevant safeguards agreements, including the Model Additional Protocol. A clear distinction must be drawn between legal obligations and voluntary confidence-building measures.

13. IAEA was the competent authority for verifying and assuring compliance by States parties with their treaty obligations and concerns regarding non-compliance with safeguards agreements should be directed to the Agency. Worldwide application of the safeguards system must be achieved, and nuclear-weapon States parties to the Treaty should accept full-scope safeguards. Data could thus be provided for future disarmament and for preventing further diversion of nuclear technology from peaceful uses to weapons.

14. The resolution on the Middle East had been an essential outcome of the 1995 Review and Extension Conference, and the Group noted with regret that since 2000 no progress had been achieved with regard to Israel's accession to the Treaty, the extension of full-scope safeguards to that State's nuclear facilities, or the establishment of a nuclear-weapon-free zone in the Middle East. The Group recalled that nuclear-weapon States, in conformity with article I of the Treaty, had undertaken not to transfer nuclear weapons directly or indirectly to Israel. Time should be allotted during the Preparatory Committee meetings for the 2010 Review Conference to review the implementation of the resolution on the Middle East. A standing committee composed of members of the Bureau of the 2005 Review Conference should be established to follow up between sessions on the implementation of the

recommendations concerning the Middle East and to report thereon to the 2010 Review Conference and its Preparatory Committee.

15. **Mr. Sardenberg** (Brazil) said that his delegation was concerned at nuclear proliferation both within and outside the scope of the Treaty and shared the perception that action was required. Clandestine nuclear programmes and unreported activities gave warning of the risk of nuclear weapons falling into the hands of non-State actors. In light of those new challenges, full and strict compliance with the Treaty and with IAEA safeguards and universalization of the NPT were vitally necessary.

16. The IAEA safeguards system provided credible assurances that nuclear materials would not be diverted. All States parties should enter into comprehensive agreements as a first step towards higher safeguards and verification standards. IAEA should be equipped with the means to ensure that undeclared nuclear activities were not taking place. The Model Additional Protocol was such a supplementary confidence-building measure that States could use on a voluntary basis. States should also tighten export controls and introduce security standards and measures for the physical protection of nuclear materials. One aspect which was often overlooked was monitoring to forestall financial transactions related to nuclear activities.

17. The stakes were high for all nations that were part of the NPT regime, and a broader, multilateral approach was needed to questions of non-proliferation.

18. **Mr. Sersale di Cerisano** (Argentina) said that his Government strongly supported the international non-proliferation regime and was committed to working towards its universal and effective implementation. Among the pillars of that regime were regional agreements like the Treaty of Tlatelolco , the System of Accountability and Control of Nuclear Materials established between Argentina and Brazil, and the Comprehensive Nuclear-Test-Ban Treaty.

19. With regard to international safeguards, more experience was needed in the implementation of enhanced safeguards before further changes were made. Non-compliance with safeguards obligations must be addressed in accordance with reasonable criteria in each case. In the years since the adoption of the Model Additional Protocol, some progress had been made towards incorporating its provisions into traditional safeguards agreements, which was a confidence-building measure for those States parties whose nuclear programmes were under review by the Board of Governors of IAEA.

20. Greater attention should be paid to national and regional safeguards systems, and in particular to the effective utilization of the findings of IAEA following a verification exercise by the Agency in a particular State party. A special committee on safeguards could make a useful contribution to ensuring compliance with obligations under article III of the NPT and his delegation would submit proposals in that regard.

21. With regard to non-proliferation as it related to potential terrorist activity, Argentina had placed additional safeguards on its research reactors to prevent spent fuel and other nuclear materials from being diverted and used by terrorist groups. The adoption of Security Council resolution 1540 (2004) concerning weapons of mass destruction had made a major contribution to the cause of non-proliferation and the fight against terrorism.

22. **Mr. Takasu** (Japan) said that the potential threat of nuclear terrorism was a challenge to the non-proliferation regime. The international community had adopted a series of countermeasures, including strengthening of the IAEA safeguards system and universalization of the comprehensive safeguards agreement and the Additional Protocol. International cooperation on non-proliferation had been significantly enhanced through the adoption of Security Council resolution 1540 (2004), the Global Threat Reduction Initiative and the Proliferation Security Initiative. Efforts were being made to strengthen export controls through the Zangger Committee and the Nuclear Suppliers Group.

23. Under the nuclear non-proliferation regime, no additional States should be permitted to possess nuclear weapons. Therefore, all nuclear weapons programmes in the Democratic People's Republic of Korea must be completely dismantled under credible international verification. That State's decision to withdraw from the NPT and the indefinite suspension of the six-party talks were extremely regrettable. The international community must clearly state that no development, acquisition, possession, test or transfer of nuclear weapons would be accepted. The six-party talks remained the most appropriate framework for a

peaceful resolution of the issue and should be fully utilized.

24. Iran must comply with all of the requirements of the IAEA resolutions, in particular the suspension of all enrichment-related reprocessing activities, and must cooperate with IAEA in providing complete information and access. Ratification of the Additional Protocol and the provision of objective guarantees would constitute the most effective assurance that Iran's nuclear programme was exclusively for peaceful purposes. Japan welcomed Libya's decision in December 2003 to abandon its weapons of mass destruction programmes and to cooperate with IAEA in the verification activities related to its past undeclared nuclear programmes.

25. Ensuring nuclear non-proliferation through the application of IAEA safeguards was an essential component of the NPT regime. The cases of Iraq and the Democratic People's Republic of Korea in the early 1990s, however, demonstrated that verification through safeguards only on declared activities and materials did not provide sufficient assurance. Verification on undeclared nuclear materials and activities was also essential to ensure non-diversion for military purposes and the Additional Protocol had been introduced for that purpose. The modalities of effective safeguards evolved along with technological progress and changes in the international situation. The Additional Protocol could play a vital role in increasing the transparency of a State's nuclear activities and its universalization therefore remained the most realistic and effective means of strengthening the current international non-proliferation regime, especially with regard to undeclared nuclear activities. All States parties to the Treaty should therefore accede to the Additional Protocol and conclude comprehensive safeguards agreements without delay.

26. Export controls over nuclear-related materials, equipment and technology were not a mechanism for hindering a State's right to the peaceful use of nuclear technology or its access to the free market. Rather, export control regimes created confidence and thus facilitated the peaceful use of nuclear energy. Multinational export control regimes, such as the Zangger Committee and the Nuclear Suppliers Group (NSG), were voluntary in nature and had limited membership. However, the published Zangger Committee Understandings and the NSG Guidelines were useful for all States as a basis for establishing national export control systems. The Review Conference should acknowledge the crucial contributions those regimes had made to non-proliferation.

27. Strengthened nuclear security measures had particular importance in the fight against terrorism and Japan welcomed the discussion of an amendment to the Convention on the Physical Protection of Nuclear Material. All States parties to that Convention should participate in the Conference of Plenipotentiaries to consider amendments aimed at strengthening the Convention.

28. Japan firmly supported efforts to establish and promote nuclear-weapon-free zones, and regretted the lack of progress towards the establishment of such a zone in the Middle East. It called on Israel to accede to the NPT as a non-nuclear-weapon State, thereby helping to build confidence in the region. It also welcomed the forthcoming establishment of a nuclear-weapon-free zone comprised of the five Central Asian States. The nuclear weapon capabilities of both India and Pakistan made peace and stability in South Asia more vulnerable. India and Pakistan should accede to the NPT as non-nuclear-weapon States, continue their commitment to the moratorium, and move towards signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty.

29. Challenges to the NPT could be overcome only by the political will of the States parties. However, improvements in the institutional aspects of the review process could help to strengthen the NPT regime and ensure its effectiveness.

30. **Mr. Hu** Xiaodi (China) said that the causes of nuclear proliferation were complex and closely related to questions of international and regional security. The fundamental purpose of non-proliferation was to preserve and promote international peace and security, which required joint efforts by all members of the international community. Concerns about the proliferation of nuclear weapons must be addressed through political and diplomatic means within the framework of international law. Countries must refrain from the threat or use of force, double standards on non-proliferation issues, and pursuing other agendas in the name of non-proliferation. Any efforts to strengthen the non-proliferation regime should rely on multilateralism and a democratic decision-making process within the United Nations and other relevant

international organizations. IAEA safeguards should be strengthened through promotion of the full-scope safeguards agreements and the Additional Protocol. However, efforts to promote non-proliferation should not undermine the legitimate rights of States to use nuclear energy for peaceful purposes. China was committed to reinforcing the universality, effectiveness and integrity of the NPT and urged all countries that had not yet done so to accede to the Treaty as non-nuclear-weapon States.

31. The establishment of nuclear-weapon-free zones was one of the steps towards a world free of nuclear weapons. China had undertaken unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and had ratified the protocols to the existing treaties establishing nuclear-weapon-free zones. It supported efforts by the Association of Southeast Asian Nations (ASEAN) and the five Central Asian States to establish nuclear-weapon-free zones and hoped that the objective of establishing such a zone in the Middle East would soon be achieved through consultations.

32. China saw the six-party talks as the most effective way to achieve the goal of denuclearization of the Korean Peninsula. Three rounds had been held, and China was actively working towards an early launch of the fourth round in the process. The Democratic People's Republic of Korea and the United States of America were the key parties, and China hoped that they would demonstrate flexibility, sincerity and patience in building trust, rather than the current situation of mistrust and lack of communication. His delegation hoped that the Review Conference would help to resolve the issue of the denuclearization of the Korean Peninsula as well.

33. **Mr. Kayser** (Luxembourg), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the stabilization and association process countries Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro; and, in addition, Norway, said that the European Union made every effort to maintain the authority and integrity of the NPT as the irreplaceable multilateral instrument for the maintenance and reinforcement of international peace, security and stability. To strengthen its implementation, in December 2003 the European Union had adopted its Strategy against the Proliferation of Weapons of Mass Destruction and hoped that the Strategy would be universally adopted. It continued to believe that a multilateral approach to international security was the best way to maintain peace and stability.

34. In the past, some non-nuclear-weapon States which had comprehensive safeguards agreements in force had still managed to develop clandestine nuclear weapons programmes that inspections had failed to detect. The international community had taken the initiative to strengthen the safeguards system by adopting the Model Additional Protocol. Yet eight years after its adoption in 1997, more than 100 States had not yet ratified it, a failure that was a major weakness of the non-proliferation regime. Making the Additional Protocol universal would strengthen the international non-proliferation and disarmament regime and contribute to the security of all States. The European Union also supported the recommendations contained in the report of the United Nations High-level Panel on Threats, Challenges and Change.

35. The European Union deplored the announcement by the Democratic People's Republic of Korea that it intended to withdraw from NPT and urged it to return to full compliance with its international non-proliferation obligations under the Treaty and its IAEA safeguards agreement. It also hoped that the six-party talks would resume without delay.

36. The European Union was united in its determination not to allow Iran to acquire military nuclear capabilities and to see the proliferation implications of its nuclear programme resolved. Iran had signed the Additional Protocol and had pledged full cooperation and transparency with IAEA. It should therefore re-establish trust by respecting the provisions of the Paris Agreement of 15 November 2004 and the relevant resolutions of the Board of Governors of IAEA.

37. All States warmly welcomed the fact that Libya had brought its nuclear programme to the attention of IAEA and that it was cooperating with the Agency. The dismantling of Libya's weapons of mass destruction programme was recognized by the international community as a very positive precedent.

38. The illicit trade in nuclear equipment and technology was a matter of serious concern to the European Union and all States parties to the NPT. Strong national and internationally coordinated export controls were needed to complement the non-

proliferation obligations of States parties. Recent revelations had demonstrated the need to reinforce efforts to tackle illicit trafficking and procurement networks and to address the issue of the involvement of non-State actors in the proliferation of nuclear technology. Security Council resolution 1540 (2004) stressed the determination of the international community to confront the threat that such arms or materials could fall into the hands of terrorists or other non-State actors. Coordination of national export control policies through such bodies as the Zangger Committee and the Nuclear Suppliers Group (NSG) would also contribute significantly to the non-proliferation objectives of the NPT.

39. With regard to the safe and secure management of surplus nuclear weapons material, the Trilateral Initiative between the United States of America, the Russian Federation and IAEA had not yet been implemented and new momentum should be given to those negotiations.

40. The European Union strongly supported all measures aimed at preventing terrorists from acquiring nuclear, biological, chemical and radiological weapons and their means of delivery, and had welcomed the inclusion of an anti-terrorism clause in each of the export control regimes. It also welcomed the adoption by IAEA in 2003 of the Code of Conduct on the safety and security of radioactive sources and the wide support received by the global initiative to reduce the nuclear threat.

The meeting rose at 12.25 p.m.